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09/476,386	12/30/1999	DAN A. GERMAN	06042-0160	7757

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EXAMINER

PWU, JEFFREY C

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/476,386

Applicant(s)

GERMAN ET AL.

Examiner

Jeffrey Pwu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 9/29/2003 amendment.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 63-168 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 63-168 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 13.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 63-168 are rejected under 35 U.S.C. 102(e) as being unpatentable over Kravitz (US 6,029,150).

Kravitz discloses claims:

63. In an online commerce method and system including a buyer computer operated by a buyer, a seller computer operated by a seller, and a transaction facilitator comprising a network-accessible transaction computer that facilitates commercial transactions between buyers and sellers, a method for effecting a cash payment from a buyer to a seller in connection with an online transaction utilizing a payment enabling system operated by a payment enabler, comprising the computer-implemented steps of:

receiving transaction information (128, 136) from the transaction computer (100) in response to a proposed transaction (S206, fig.2) between the buyer (customer) and the seller (merchant) facilitated by the transaction facilitator, the transaction information including a transaction amount (col.7, line 14-col.8, line 55);

communicating information to the buyer computer system for displaying the transaction information and enabling the selection by the buyer of a prearranged cash deposit payment

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(col.5, line35-col.6, line 20; MCC114) instrument for use in effecting payment in connection with the transaction, the prearranged cash deposit payment instrument issued by a cash deposit payment instrument processor;

receiving cash deposit payment instrument information input by the buyer via the buyer computer, the cash deposit payment instrument information including buyer information (col.5, line35-col.6, line 20; MCC114);

determining a required deposit amount including at least the transaction amount and corresponding to the amount of cash that the buyer must deposit with the cash deposit payment instrument processor to fund the prearranged cash deposit payment instrument (col.7, line 12-col.8, line 63);

storing a cash deposit payment instrument registration record in a memory associated with the payment enabling system, the registration record storing the buyer information, the required deposit amount, and a data field indicating whether the required cash deposit has been received by the cash deposit payment instrument processor (col.18, line 55-col.23, line 53);

communicating information to the cash deposit payment instrument processor comprising the required deposit amount and buyer information (col.23, line 55- col.27, line 60);

in response to receipt of information from the cash deposit payment instrument processor that the required deposit amount has been received at a deposit location registered with the cash deposit payment instrument processor, updating the data field in the registration record indicating that the required deposit amount has been received by the cash deposit payment instrument processor (col.22, line 7-48 and col.22, line 50-col.24, line 30); and

in response to updating of the data field in the registration record indicating that the required deposit amount has been received by the cash deposit payment instrument processor, effecting completion of the transaction by making payment to the seller (col.32, line 55-col.35, line 40).

64. The method of claim 63, further comprising the steps of communicating information to the buyer computer system for displaying payment instrument information and enabling the registration by the buyer of the cash deposit payment instrument for use in effecting payment in connection with the transaction; and receiving payment instrument registration information input by the buyer via the buyer computer, the payment instrument registration information including information indicating selection of the prearranged cash deposit payment instrument chosen by the buyer. (col.32, line 55-col.35, line 40).

65. The method of claim 64, wherein the prearranged cash deposit payment instrument is one of a plurality of selectable payment instruments that the buyer may select for effecting payment, and wherein the information communicated to the buyer computer system for displaying payment instrument information and enabling the registration of a payment instrument comprises information relating to the plurality of selectable payment instruments. (col.2, line 57-col.4, line 58)

66. The method of claim 64, wherein the payment instrument registration information includes a buyer-entered deposit amount. (col.22, line 55-col.23, line 52)

67. The method of claim 66, wherein the buyer-entered deposit amount is at least the required deposit amount. (col.32, line 55-col.35, line 40).

68. The method of claim 64, wherein the step of receiving payment instrument registration information input by the buyer via the buyer computer comprises receiving information corresponding to multiple payment instruments. (col.4, lines 30-68)

69. The method of claim 64, wherein the steps of communicating information for displaying payment instrument information and receiving payment instrument registration information

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occur prior to the transaction between the buyer and the seller in a static registration process.

(col.5, line35-col.6, line 20; MCC114)

70. The method of claim 64, wherein the steps of communicating information for displaying payment instrument information and receiving payment instrument registration information occur after to the transaction between the buyer and the seller in a dynamic registration process. (method steps of figs. 2-5)

71. The method of 63, wherein the required deposit amount is at least the transaction amount. (it is inherent in a cash payment to deposit a required amount for a payment transaction)

72. The method of claim 63, wherein the buyer information includes buyer identification information, and wherein the buyer identification information is communicated to the cash deposit instrument payment processor. (102)

73. The method of claim 63, further comprising the step of electronically requesting authorization for payment in an amount of at least the transaction amount for the prearranged cash deposit payment instrument from the cash deposit payment instrument processor. (10; fig.1)

74. The method of claim 73, wherein the amount requested for authorization in the requesting authorization step comprises the required deposit amount. (124)

75. The method of claim 73, wherein receipt of information from the cash deposit payment instrument processor that the required cash deposit has been made at the deposit location results from the requesting authorization step. (fig.2)

76. The method of claim 73, wherein the amount for which authorization is sought in the requesting authorization step includes any additional charges associated with the transaction. (col.49, lines 23-26)

77. The method of claim 63, further comprising the step of determining if goods of the transaction have been acceptably delivered prior to making payment to the seller. (col.49, lines 5-55)

78. The method of claim 63, further comprising step of, in response to information from the cash deposit payment instrument processor that the required deposit amount has been received from the buyer at the deposit location, transferring funds received from the buyer to a bank account of an intermediary, prior to making payment to the seller.(120, 118)

79. The method of claim 78, wherein the transfer of funds from the cash deposit payment instrument processor to the bank account of the intermediary is by direct deposit. (120 to 118 of fig.1)

80. The method of claim 63, further comprising the steps of communicating information to the seller computer system for displaying disbursement instrument information and enabling the registration by the seller of a disbursement instrument for use in receiving payment in connection with the transaction; and  
wherein the step of effecting completion of the transaction by making payment to the seller comprises utilizing the registered disbursement instrument for making the payment. (see method steps of 1-3)

Claims 81-168 are similarly rejected as in claims 63-80.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 63-168 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Pwu whose telephone number is 703 308-7835. If

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attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on 703 308-0505.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeffrey Pwu  
Examiner  
Art Unit 3628



**JEFFREY PWU  
PRIMARY EXAMINER**

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